1945.4 **File No.** 7729/36

P.W

B CLASS DEPARTMENT El. BRANCH

Subject: Electricity Control Orders.
Issued under the Defence of India Rules.
Reviews of

B K 11546

El.

File No. 7729/36

Std. Sectt. Slip 24-A

G. R., G D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 3729/36

P. W. DEPT.

El. BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

Confidential. No.5-DC (A3)/43

Government of India, Defence Departm
New Delhi, the 4th June 1945.

To

All Chief Secretaries(except Bombay.Bengal and the Punjab),

The Home Secretary to the Government of Bombay.

The Additional Secretarty to the Govt. of Bengal, Home Department.

The Joint Secretary to the Government of the Punjab, Home Department.

All Chief Commissioners.

Subject: Defence of India Rules- Publicity to orders issued-
Rule 119 of the Defence of India Rules.

Reference: This Department's letter No.5-DC(35)/43, dated the 25th November 1943.

The Central Government have been noticing that the provisions of rule 119 regarding publication of the orders issued under the Defence of India Rules are not being generally complied with and consequently a number of prosecutions have failed. For the information of the Provincial Government a sample form of an order issued under your information rule 7 of the Defence of India Rules is attached to this letter. The form no doubt can be adapted to any particular type of publicity decided upon by the officer or the authority promulgating an order under the rules- for exampl orders under rule 81 may require a different type of or much wider publicity.

2. It is also proposed to amend rule 119 of the Defence of India Rules as in the draft notification attached. Will Provincial Government you

Please.....

Confidential. No.5-DC (13)/45.

Government of India, Defence Department,
New Delhi, the 4th June 1945.

To

All Chief Secretaries(except Bombay.Bengal and the Punjab),
The Home Secretary to the Government of Bombay.
The Additional Secretarty to the Govt. of Bengal, Home Department.
The Joint Secretary to the Government of the Punjab, Home Department.

All Chief Commissioners.

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2. It is also proposed to amend rule 119 of the Defence of India Rules as in the draft notification attached. Will Provincial Government you

Please.....

Please say, by return post if possible, if they (you) agree?

3. The amendment of the rule can only have effect from the date of the publication and will not have any retrospective effect. It is, therefore, suggested that the Provincial Government (You) should review all the control orders that have so far been promulgated with a view to see how far provisions of rule 119 may have been complied with and if the slightest doubt exists in this regard to make new orders and publish them in compliance with the provisions of sub-rule (I) of rule 119, these new orders being in supersession of the existing orders. This, while not exposing glaringly the failure to date to comply with sub-rule (I) of rule 119 in respect of existing orders, might make the position secure if a subsequent challenge were to arise whether or not the orders have been published in compliance with rule 119 of the Defence of India Rules.

4. The Central Govt. would particularly like to impress on the Provincial Governments (you) that neither before nor after the proposed amendment do the provisions of rule 119 dispense with the necessity of the officer promulgating an order applying his mind to the facts of the case, determining the manner in which notice of the order should be given with a view to inform the persons whom the order concerns, recording a finding to that effect and ensuring that the orders are in fact published as determined by him.

5. Your letter No.269/XX, dated the 24th Feb. 1945. C.P. & Berar.
Your letter No.425CW/13/45/dated the 8th March 1945. Bihar Madras.
Your letter No.18266/45-2 dated the 9th May 1945.

refers.

6. A skeleton formula which could be suitably adapted in the making of fresh orders is annexed with this letter.

Sd. S. R. Kaiwar,
Deputy Secretary to the Government of India.

GAZZETTE OF INDIA.

Government of India

Defffence Department.

New Delhi, the 21st July 1945.

N O T I F I C A T I O N.

No. 5-DC(13)/45.- In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (of 1939), the Central Government is pleased to direct, that the following further amendments shall be made in the Defence of India Rules, namely:-

In rule 119 of the said Rules -

(I) In sub-rule (I) the words "and thereupon the persons, corporation, firm or person concerned shall be deemed to have been duly informed of the order" shall be omitted;

(2) In sub-rule (IA) the words "and all persons whom the order concerns shall, upon its notification, be deemed to have been duly informed of it" shall be omitted;

(3) after sub-rule (IA) the following sub-rule shall be inserted, namely,-

"(IB) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of these Rules, compliance with sub-rule (I), or, in a case to which sub-rule (IA) applies, the notification of the order, shall be conclusive proof that he was so informed,; but a failure to comply with sub-rule (1).

(i) shall not preclude proof by other means that he was so informed; and

(ii) shall not affect the valifity of the order

Sd. S.R. Kaiwar,

Deputy Secretary to the Government of India.

In.....

In exercise of the powers conferred by rule.....
of the Defence of India Rules and in supersession of.....
order an of all notifications amending the same.....
is pleased to make the following order and to direct with
reference to sub rule (I) of rule 119 of the said Rules
that notice of the Order should be given by the publication
of the same in the official Gazette/ the District Gazette
and by the issue of a Press Note summarising and explaining
its provisions (add any other type of publicity, such as placing
an notice boards of named public officers etc.).

Below copies of letter No.5-DC(13)/45, dated 4th June 1945, from the Government of India, Defence Department, and of that Department notification No.5 DC(13)/45, dated 21st July 1945.

Confidential.

No.S.D.II/-425

Home Department(Political)-War .

Council Hal, Poona,14th August 1945.

Forwarded with compliments for information and guidance to-

All Collectors and District Magistrates(including Additional) District Magistrates),

The Commissioner of Police, Bombay,

The Deputy Inspector General of Police,C.I.D., Poona,

All Superintendents of Police

The Chief Conservator of Forests,

The Director of Civil Supplies,

The Controllers of Prices,

The Provincial Transfort Officer,

Secretaries, Regional Transfort, Authorities,

The A.R.P. Controller, Bombay,

The Brick Controller for the Province of Bombay,

The Municipal Commissioner for the City of Bombay

The Administrator, Ahmedabad Municipality,

All Departments of the Secretariat(exceot the Separate Department).

All Commissioners of Divisions.

The.....

For information only.

The Inspector General of Police, Province of Bombay.
The Secretary to the Governor.
2.

2. The attention of the Departments and officers concerned is particularly invited to paragraph 4 of the Government of India's letter.

By order of the Governor of Bombay,

Sd. S. K. Shewade,
for Secretary to the Government of Bombay,
Home Department.

GAZETTE OF INDIA.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT,

New Delhi, the 22nd September, 1946.

NOTIFICATION.

No.5 DC(13)/45.- In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, Namely:-

In clause (i) of sub-rule (IB) of rule 119 of the said rules, for the words "he was so informed", the words "he had information of the Order" shall be substituted.-

Ram Chandra

Secretary to the Government of India

Advance copy:-

1. To all Departments of Central Government except Legislative and Legislative Assembly Departments.
2. The Political Department

) IN CONTINUATION of this Dept. Office endorsement No. 5-DC(13)/45 dated 21st July 1945.

3. All Provincial Governments and Chief Commissioners in continuation of this Department's endorsement No.5-DC(13)/45, dated 21st July, 1945. (Your letter No.IM/1148XX, dated the 18th August 1945 refers).

( ) To C.P. and Berar only.

S.R. Kaiwar

Deputy Secretary to the Government of India.

CONFIDENTIAL. No.S-DC(13)/45.

Government of India, Defence Department,

New Delhi, the 6th November, 1945.

To

All Chief Secretaries (except Bombay, Bengal and the Punjab).

The Home Secretary to the Govt. of Bombay.

The Additional Secretary to the Govt. of Bengal, Home Department.

The Joint Secretary to the Govt. of the Punjab, Home Department.

The Chief Commissioners.

Subject:- Defence of India Rules - Publicity to Orders, issued - Rule 119 of the Defence of India Rules.

....

Reference: Correspondence ending with this Dept's endorsement No.5-DC(13)/45. dated the 22nd September 1945, *copy attached.

A case has recently been brought to the notice of the Govt. of India in which an army contractor was prosecuted for selling sugar at prices higher than those fixed by the Sugar Controller of India in a notification issued by him in excercise of the powers conferred on him by subclause (I) of clause 6 of the Sugar Control Order. 1942 (Food Dept. Notification, No.G.VIII (I)/42, dated the 1st January 1943)- an order issued under rule 81 of the Defence of India Rules, but was acquitted by the trial court on the ground that the notification had not been published in accordance with the provisions of rule 119 of the Defence of India Rules. An appeal, was preferred to the High Court, but the original judgement was upheld.

2. Rule 119 of the Defence of India Rule prescribes the manner in which an order in writing made in pursuance of those rules should be published. The Govt. of India consider that anything done in pursuance of an order under the Rules is not done in pursuance of the Rule. A Legislative affirmation of this view is to be found in sub-sections (I) and (2) of section 17 of the Defence of India Act, which were previously expressed.....

expressed in terms of anything done in pursuance of the Act or Rules made thereunder, but subsequently amended by Ordinance XXV of 1945 by the insertion of the words" or any orders issued under any such rule". The Government of India re therefore of the view that rule 119 has no application to subsidiary "order", notifications, etc. made or issued in pursuance of an order made under the Defence of India Rule This is also rational in as much as a party who has been duly informed of the parent order has thereby had notice of the necessity of informing himself of the existence xor otherwise of the subsidary order for the making of which provision is contained in the parent order.

3. I am to suggest that if a further relevant case arises for judicial determination, the point may be borne in mind and may be brought to the notice of the Court.

Gd/- S.R. Kaiwar,

Deputy Secretary to the Govt. of India.

Originals in E.B (I) file no 3902/36
39079

Below copy of a letter from the Government of India, Defence Department, No.5-DC(13)/45, dated the 6th November 1945.

.....

No.S.D.II/-425.

Home Department (Political)- War.

Bombay Castle, 21st November 1945.

Forwarded with compliments for information and guidance, in continuation of this Department endorsement No.S. D.II/-425, dated the 14th August 1945, to:-

All Collectors and District Magistrates (including Additional District Magistrates),

The Commissioner of Police, Bombay,

The Deputy Inspector General of Police, C.I.D., Poona,

The Superintending of Police,

The Chief Consevator of Forests,

The Director of Civil Supplies,

The .....

The Controller of Prices.

The Provincial Transfort Officer,

Secretaries, Regional Transfort Authorities,

The A.R.P. Controller, Bombay.
The Brick Controller for the Province of Bombay,
The Municipal Commissioner for the City of Bombay,
The Administrator, Ahmedabad Municipality,
All Departments of the Secretariat (except Separate Department),
The Commissioners of Divisions,)
The Inspector General of Police,) for information only.
Province of Bombay,)
The Governor's Secretary.)

By order of the Governor of Bombay,

Sd/-

For Secretary to the Government of Bombay,
Home Department.

Kl.Brt (I).

Submitted with refce. to the O.N. dated the 7-9-45.

II In para 3 of their letter within the G.of I. request this Govt.

(a) to review all the control orders so far promulgated with a view to see how far provisions of rule 119 of the D.of I. Rules have been complied with;

(b) to make new and orders and publish them in compliance with the provisions of sub-rule (I) of rule 119, if slightest doubt exists in regard to (a) above, these new orders being in supersession of the existing order;-

The G. of I. further impress the necessity on the officer promulgating an order that he should apply his mind to the facts of the case, determining the manner in which notice of the order should be given with a view to inform the persons whom the order concerns, recording a finding to that effect and ensuring that the order are in fact published as determined by him.

III For facility of immediate reference Rule 119 of the D.of I.Rules is reproduced below:-

Rule 119 (1) " Save as otherwise expressly provided in these Rules, every authority, officer or person who makes any order (in writing) in pursuance of any of these Rules shall in the case of an order of a general nature of affecting a class of persons, publish, notice of such order in such manner, as may, in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns and in the case of an order affecting an individual corporation or firm serve or cause the order to be served in the manner provided for the service of a summons in rule 2 of Order XXIX or rule 3 of Order XXX as the case may be in the First schedule to the Code of Civil Procedure, 1908 (V of 1908) and in the case of another order affecting an individual person (not being a corporation or firm) serve or cause the order to be served on that person -

(i) personally, by delivering or tendering to him

the.....

the order, or

(ii) by post or

(iii) Where the person cannot be found, by leaving an authentic copy of the order with some adult made member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personnaly worked for gain.

(IA)- Where any of these Rules empowers an authority, officer or person to take action by notified order, the provisions of sub rule (I) shall not apply in relation to such order.

(IB) - If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in persuance of those Rules, compliances with sub rule (I) or, in a case to which sub rule (IA) applies the notfication of the order, shall be conclusive proof that he was so informed but a failure to comply with sub rule (I):-

(i) shall not preclude proof by other means that he had information of the Order,

(ii) shall not affect the validity of the order.

2. Any police officer, and any other person authorised by Govt. In this behalf may, for any purpose connected with the Defence of British India, the public safety, the maintenance of public order, the efficient prosecution of the war, maintaining supplies and services essential to the life of the community or the administration of these rules affix any notice, to, or cause any notice to be displayed, on, any premises, vehicle or vessel and may for the purpose of excercising the power conferred by this rule enter any premises, vehicle or vessel at any time.

3. Any person authorised by Govt. in this behalf may, for any purpose mentioned in sub rule (2) by order, direct the owner of other person in possession or control of any premises, vehicle or vessel to display any notice on or in, the premises, vehicle or vessel in such manner as may be specified in the order.

(4).....

(4) If any person without lawful authority removes, alters, defaces, obliterates or in any way tampers with any notice affixed or displayed in persuance of these rules, or contravenes any order under sub rules

(3 he shall be punishable with imprisonment for a term which may extend to six months or with five or with both."

IV. This Govt. has issued so far the following orders under rule 81 of the Defence of India Rules:-

(I) G.O.No.6041/36, dated the 11-3-43 amended by

(2) G.O.No.6041/36, dated the 1-4-43,

enabling the licensees using diesel oil for the generation of el. energy to levy surcharges on the prices charged in respect of the supply of electrical energy;

(3) G.O.No.3053/36, dated the 8-12-43, enabling licensees using steam for the generation of el. energy to levy surcharges;

(4) G.O.No. 1932/36, dated the 20-12-43, prohibiting following licensees from commencing or proceeding further with the erection of any works:-

(i) Mr. K.V. Sane, Licensee, Athani El.License, 1940

(ii) Mr. W.J.Satbhai, Licensee, Kppargaon ------ do---

(iii) Mr. W.J. Satbhai, Licensee, Belapur Town and Belapur Rd. El.License, 1940.

(iv) Mr. M.G. Bendale, Licensee Pachore El. License,1940.

(v) Mr. I.P. Uplap, Licensee, Dhond El. License, 1940.

(vi) M/s. Jambusar El.Supply Co.Ltd., Licensee, Jambusar Electric License 1941.

(5) G.O.No.1932/36, dated the 24-2-44 Prohibiting the Dakor Umreth Electricity Co.Ltd. from commencing or proceeding further with the erection of any works.

(6) G.O.No.1105/36, dated the 25-1-44 as amended by

(7) G.O.No. 1105/36, dated the 26-5-44, relating to the supply of el.energy by the licensee for Athani Electri license.

(8) G.O.No. 5660/36, dated the 3-5-44 reg: the control of the ely.undertaking at Hubli.

(9).....

(9) G.O.No.6331/36, dated the 16-6-44 as amended by

(10) G.O.No.6331/36, dated the 22-12-44. reg warcosts surcharge.

V Items (I) (2) & (3) above:- The G.O.s refd. to at (I),(2) and (3), above were published in the B.G.G. and were communicated to the licensees concerned. These orders have however since been cancelled. Besides the levy of the surcharges recovered under these orders has been validated by the Bombay Ely. Surcharges((validation) Act, 1945. No further action is therefore necy. In their connection with ref. to the provisions of sub rule (1) (I) of rule 119.

VI. Item (4) above: The order was individually served on the licensees concerned by post. It was not considered necy. to publish the order in the B.G.B. obviously because the licenses concerned are inoperative and the order affected mainly the licensees concerned. It seems that the provisions of sub rule (I) of rule 119 have been complied with in this case and it is not necy. to make a new order as suggested by the G. of I. Incidentally it may be observed that the order in question has been cancelled in respect of the Athani El. license and question of withdrawing it in respect of other licensees with a view to encourage them to develop their load is under separate consideration .

VII. Item (5) above: The remarks in the preceding para. except in the last sentence equally apply in this case. It has since been decided to permit the licensee to commence supply subject to certain condition and to cancel the G.O. refd. to.

VIII Items (6) and (7) above: Both the orders were specifically communicated to the licensee concerned in a covering letter. They were however not published in the B.G.G. The question whether new order are necy. in compliance with the provisions of sub rule (I) of rule 119 as suggested by the G. of I. will be taken up with the R.L.A. on the relevant file which is at present not available for being put up with these papers.

IX Item (8) above: The order was served on the licensee personally by a clerk from this office and was also published in the B.G.G. with due regard to the provisions of.....

of sub-rule (I) of rule 119. No further action is necy. in that connection.

X. Item (9) and (10) above: Both the orders were published in the B/G.G. The first order was communicated to the licensees concerned in a covering letter. The second order was not however communicated to all the licensees to whom the first order was communicated; it was communicated only to the seven licensees who could not take advantage of the first order and for whose benefit the amendment was made. It seems that provisions of sub rule (I) of rule 119 have been complied with in the case of these orders and no further action is necy. in that connection.

XI. The following orders have been issued under the provisions of the Bombay Ely.Supply (Licensed undertakings' War Costs) Order, 1944, which was issued under the provisions of rule 81 of the Defence of India/Rules:-

(1) G.O.No.6331/36, dated 9-8-44

(2) G.O.No.6331/36, dated 10-8-44 as corrected by Erratum No.6331/36(1), dated the 15-8-44.

(3) G.O.No. 6331/36, dated 12-8-44.

(4) G.O.No. 6331/36, dated 15-8-44.

(5) G.O.No. 6331/36, (II) date 15-8-44.

(6) G.O.No.6331/36, (III) dated 15-8-44

(7) G.O.No.6331/36(IV) dated 15-8-44.

(8) G.O.No.7015/36, (I), DATED 1-9-44

(9) G.O.No. 7015/36, (II) dated 29-1-9-44

(10) G.O.No. 6331/36, dated 29-1-45

(11) G.O.No. 6508/36, dated 23-4-45.

(12) G.O.No. 7024/36, dated 26- 7-45.

All the above G.Os. were published inthe B.G.G. for general information and communicated to the licensees concerned individually. Provisions of subrule (I) of rule 119 of the D. of I. Rules have thus been complied with in respect of these orders thoughaccording to the view expressed by the G. of I in

para.....

Para. 2 of their letter No.5 -DC(13)/45, dated the 6-11-45 such compliance is not necy.

XII. The R.L.A. may see the papers u.c. for remarks if any. with ref. tc the views expressed in the foregoing paras.

Id/-
7-12-45. Thro' El. Br. (2).

Id/-
7-12-45
El. Br. (II).

XIII. In 1942, owing to the shortage of diesel oil, the hours of supply of various elect. undertaking run on that oil in the Prov. of Bombay were restricted and the undertakings clasified into four categories according to the importance of load in each case. The D.Ms. were instructed to issue orders under the D. of I. Rule 81(2) (a) on the undertakings concerned in the prescribed form, copies being sent to Govt. and to the El.Engr. to Govt., vide G.L.No. 1932/36-M, dated 24-8-42. The D.Ms. have, accordingly, been issuing such orders. The orders are served on the elecl. undertakings concerned and copies thereof endorsed, among others, to the local Rev. and Police officers concerned who give wide publicity to them. It seems, therefore, that provisions of sub rule (10 of rule 119 of the D.of I. Rules have been complied with in the case of these orders. XIV. Pl. see Govt. Cir. No. 1932/36-M, dated the 2-10-42. Certain other steps as detailed in that Circ. were taken to restrict the use of elecy. with a view to reducing the consumption of diesel oil and the D.Ms. were requested to issue orders restricting the use of elecy. along the lines mentioned in that Circ in all cases of Electric Coys. using that oil. Accordingly orders under D.Of I. Rule 81(2) (a) (and in certain cases under D. of I. Rule52) were issued by D.Ms. which are still in force. These orders are served on the Elecy. Coys. concerned and copies thereof endorsed, among others, to the local Rev. and Police officers concerned who also give wide publicity to them. In the case of these orders, too in many

A in many ca think some of restrictions no longer n The El. En Govt. may asked to re the situati before ta any furth action

A.
cases.....

cases I think some of the restrictions are no longer necessary. The Ex.Engr. to Govt may be asked to review the situation before taking any further action. it seems that the provisions of sub-rule (I) of rule 119 of the D. of I. Rules have been complied with.

XV. It will be seen from the H.D. (Pol.) -War endt. No. S.D.II/-425, dated the 14-8-45, that copies of the corres. have been endorsed among others, to all Collrs. and D.Ms. (including Addl. D.Ms.) for information and guidance. In view of the circumstances stated above, no further action seems necy. in respect of the orders refd. to in the preceding paras.

XVI. Due to the shortage of el. materials and the necessity of conserving them for essential purposes, an Order No.113/36-El. dated the 9-6-42, was served on the Nadiad El, Supply Co. under rule 81 of the D. of I. Rules, by which the Co. was ordered not to distribute, dispose of or use any service wires, cables, refectors or other articles or thing for the purpose of installing new lights or extending street lighting in compliance with any requisition of the Nadiad Muncy. under the agreement dated the 14-8-40 entered into by the said Co. with the said Muncy. An identical order No.5866/36-El., dated the 9-6-42, was served on the Nasik-Deolali El. Supply Co. under rule 81 of the D. of I. Rules. On file No. 1932/36/305 regarding relaxation of the restrictions on st. lighting, it has been proposed to cancel the G.O. so far as Nadiad is concerned, and hence no further action with ref. to the provisions of sub rule (1) of rule 119 of the D. of I. Rules seems necy. As Nasik is heavily overloaded and urgent important demands (e.g., Security Printing Press) have remained unfulfilled, it is proposed on that file to retain the G.O. No.5866/36-El. dated the9-6-42, served on the Nasik-Deolai, El. Supply Co. Although these orders were served on the pply Cos. themselves. and copies thereof endorsed to the ficers concerned, they were not published in the B.G.G. It as that, so far as the order in respect of the Nasik-ali El. Supply Co. is concerned, action with ref. to the.....

the provisions of sub-rule (1) of rule 119 of the D. of I. Rules will be necy. A draft Order in supersession of the G. O. No. 5866/36-El, dated the 9-6-42, and the necy. letter to the Co. are put up for approval. The R.L.A. may see them u.o. before issue. The R.L.A. will also please advise on the views expressed in paras. XIII-XV above.

Id/-
5-1-46

Id/-
8-1-46. pl. see margin.

Id/-.
12-1-46

The office should take up the question sidelined A.A. on p. 18 separately.

2/- As regards the order No.5866/36-El dated the 9th June 1942 served upon the Nasik Deolali E.S. Coy. I think that the provisions as regards publicity have been fulfilled since the order was served on the Coy. itself. It does not therefore appear necessary to cancel the order & issue a fresh one. The R.L.A. may please advise

Id/-
7-1-46
u/o to the R.L.A. & 18-1-46
1 with file No.5866/36, & the collections of P.W.D. orders.

****

7729/36.

Public Works Department,

Bombay Castle, January 1946.

O R D E R.

No.7729/36-El. (II). In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased

(i) to cancel Government Order, Public Works Department, file No.5866/36 -El., dated the 9th June 1942, relating to the Nasik-Deolali Electric Supply Company, Limited, and

(ii)to direct that the said Nasik-Deolali Electric Supply Company shall not until further orders, distribute, dispose of or use any service wires, cables, reflectors or other article or thing for the purpose of installing new lights or extending street lighting in compliance with any requisition of the Nasik Municipality under the agreement dated the 12th May 1941 entered into by the said Company with the said Municipality.

With reference to sub-rule (1) of rule 119 of the D. of I. Rules, the Govt. of Bombay is pleased to direct that notice of the above order should be given by -

(a) publication of the same in the Bombay Govt. Gazette, and

(b) publication of the same in the following news-paper, namely -

7 The Lokasatta, Nasik

By order of the Governor of Bombay,

Secretary to Government.

Id/-
5-1-46.
Id/-
8-1-46.

****

7729/36

No.7729/36-El.(II). P. W. D.

B.C., Jany. 1946.

To

M/s. The Nasik-Deolali Electric Supply Co., Ltd.
Nasik Road.

Subject: Restriction over the supply of electricity.

Dear Sirs,

I am directed to forward the annexed order which supersedes the order No.5866/36-El., dated the 9-6-42, served on you by.....

By G.L.No.5866/36.El. of the same date, prohibiting you from carrying out any work in compliance with any requisition of the Nasik Muncy. for installing new lights or extending street lighting under the agreement entered into between you and the Municipality on the 12-5-1941.

Yours faithfully,

Copy, with a copy of the order refd. to, forwarded to -

The G.D.
The Commr., C.D.
the collr. of Nasik.
the El.Engr. to Govt.
the R.L.A.

for information with ref. to G.E.No.5866/36.El. dated the 9-6-42.

2 The Collr. of Nasik is requested to communicate the order to the Nasik Municipality.

To the R.L.A. to see before issue.

Id/-
5-1-46
Id/-
8-1-46

****

Office of the R.L.A.

para. V of P.W.D. note:- Since the orders referred to at serial Nos. (1),(2) and (3) in para. IV have been cancelled no action is called for. The view taken by the P.W.D. is correct.

2. Para. VI:- As the Order was served on the persons concerned presumably by registered post no further action with reference to rule 119(1) of the Defence of India Rules is necessary.

3. Para. VII:- As the Order is proposed to be cancelled no remarks are called for.

4. Para VIII:- As P.W.D. is making a separate reference to R.L.A. no remarks are called for at present

5. Para. IX:- The Order appears to have been properly served.....

served and no further action with reference to sub-rule (1) of rule 119 is necessary.

6. Para. X:- It is stated that the Bombay Electric Supply (Licensed Undertakings' War Costs) Order, 1944, was served on the license holders and sanction holders individually. The amendments thereto were also communicated to those licensees who could not submit the declaration in time and who were required to submit them within the extended time. The service of the principal Order and of the amending Order made in the manner described in the P.W.D. note is sufficient compliance with the provisions of rule 119(1). Moreover as all the licensees and sanction holders have now submitted the declarations contemplated in the Order and are charging surcharges under the Order referred to in Para XI of the P.W.D. note there is no necessity to reissue the Orders.

7. Para. XII:- The view taken by P.W.D. is correct.

8. Paras. XIII and XIV:- It is presumed that the Order stated to have been issued by the D.Ms. were to be complied with by the individual licensees. If such Orders have been served on every licensee there is no need no take any further action with reference to rule 119 (1).

9. Para. XVI:- The view taken by D.S. P.W.D. at page 20 ante is correct.

Sd/-

Remembrancer of Legal Affairs.

U.R. to P.W.D. No.2282 dated the 26th March 1946.

R.L.B. II 26/3.

7729/36/11531.

El. Br. (1). P.W.D.

Submitted with refces to the O.N.. dt. the 7-12-45.

2. The presumption made by the R.L.A. in para 2 of his note on p.25-26 is correct ------ vide, G.L.No.1932/36-El.(1), dt. the 20-12-43 which was issued by registered post. No further action is necy. in this con.

3 In view of the R.L.A's. remarks on several paras o the O.N., refd. to, no action is necy. thereon also, except on para VIII on p-16 ante.

4. Para VIII on p.16:- The relevant file No.1105 has since become available and is placed below. It will be seen that as already noted both the orders (viz. G. OS. No.1105/36, dt. the 25-1-44 and the 26-5-44) were specifically communicated to the licensee concerned in a covering letter. They were however not published in the B.G.S. The orders were, however, to be complied with by the licensee individually. In view of the R.L.As'. opinion expressed in para 8 of his u.o.r. within, it does not seem necy. to reissue these orders with ~~not nec-~~ refce. to rule 119(1) of the D. of I. Rules. The R.L.A. may, essary. however, see these papers again.

Thro' El.Br. (11)

Id/-

30-3-46.

El.Pr. (II).

5. Para 8 of the R. L.A's opinion dated the 26-3-46:- The presumption made by the R.L.A. is correct. The orders refd. to were served on every licensee and, as advised by the R.L.A., no further action with ref. to rule 119(1) of the D. of I. Rules is necy.

6. Para 9 of the R.L.A's. opinion dated the 26-3-46.- In view of the R.L.A's. advice, no further action is necy.

In this connection it may be stated that it has since been decided separately not to cancel for the present the G.O. N o.113/36-SL., dated the 9-6-42, served on the Nadiad El.Supply Co. with regard to this Order, the provisions as regards pub-

licity-------

licity have also been fulfilled since the Order was served on the boy itself. Hence no further action with ref. to the D. of I. rule 119(1) is necy. in the matter, as advised by the R.L.A.

Id/-

30-3-46

1-4-46.

Margin. No action appears necessary

Id/-

1-4-46